paved street at the side of the courthouse in the city of Birmingham during court hours. Vehicles of the fire department and

ceed two miles an hour, were excepted from

this rather unusual order. In a suit brought

-Unearned Wages May Be Assigned Legally .-

Notes for December.]

Judge McClellan), 10.]

-Life Insurance-Knowledge of False

Statements.-

gence.-

its appearance when a mail bag is hung on

nary gentleness driven in the highway, and

does so, injuring the driver, is liable for the

negligence. The court admits that mail

cranes are necessary to the business of

railroads, but that it is not necessary to

erect them so near public roads that they

will obstruct the use of the highway by

the public. [33 Southern Rep. (Alabama,

MARK HIATT WILL BE TAKEN FROM

HIS MOTHER'S CUSTODY.

Juvenile Court-Several Lads

Punished.

The greater part of the session of juvenile

court yesterday afternoon was taken up in

hearing evidence against the stepmother of

Mark Hiatt, a fourteen-year-old boy, ar-

rested on the charge of loitering. The ar-

rest was made by Patrolman Green on

complaints made by relatives and neigh-

bors of the boy. It was said that he and

his stepbrother were not properly cared

for and had often been compelled to go one

When the boy was arraigned he was

clean and had the appearance of being a

smart boy. Patrolman Green was the first

called at the home of the boy, and when

the latter saw him coming he ran bare-

footed from the house and one mile west-

ward. Green said the boy had always been

on the streets at night at late hours and

was always dirty and unkempt-looking. He

them told of the stepmother, Mrs. Frank, who, he said, did not bear a good reputa-

tion, as she had been arrested two months

ago for fighting in front of Dennis

O'Brien's saloon, on Kentucky avenue. He

said while he was running the district

where the saloon is located he often saw

Mrs. Frank drinking in the winerooms with

of Mark Hiatt testified that he had gone to

O'Brien's saloon with Mrs. Frank and an-

other woman and purchased beer for them

while they were waiting for another man

with whom they had an engagement. A

number of relatives of the boy were put on

the stand and they also gave evidence against the woman. The husband of Mrs.

Frank was in court and said the stories

of his wife's actions was new to l.im. He

said he was not at home often, and when

ne was in town his wife always appeared

to take good care of the children. James

Frank has been married to his wife but

four months. Mark Hiatt's father died five

ing testimony against the woman, decided

to allow the boy to be looked after by Mrs.

Webb, of the Indiana State Children's

Home Society. Mrs. Rodgers, of the State

Board of Charities, was present, and said

she had investigated affairs in West In-

dianapolis and found that the present home

of the boy was not what it should be.

Thomas Hiatt, an uncle of the boy, de-

cided to keep him until such time as the

members of the Board of Children's Guard-

ians should find a home for him. Judge

Stubbs said it was the worst case of neg-

ect that has come to his notice since he

Corporal punishment was administered

to two boys in court yesterday afternoon,

and would have been given a third, but the

defense of one little colored boy won for

him the sympathy of the court and he was

discharged. One of the boys flogged was

Alfred Wickham, white, who stole two

rasoline cans from the Princeton Hotel.

The boy became confused on the stand, and

Judge Stubbs said he believed he was in-

the office of the matron, where he remained

until 5 o'clock, when his father called and

Joe Engerson, white, and Jerry La Rue.

colored, were arraigned on the charge of

Theater. It was learned that the Enger-

son boy was demented, and for this reason

Judge Stubbs allowed him to go home un-

til he can be sent to the Home for Feeble-

minded Youths at Fort Wayne. In the

him if he wanted to be whipped, he wiped the tears away and pleaded earnestly.

'Jedge, I don't want to be whipped at all.'

said he. His manner in telling his story of

his connection with the crime convinced

Judge Stubbs that the white boy had been

guilty of stealing the pocketbook. For

Sales of Real Estate.

Among the transfers of real estate yes-

terday was that of John H. Lytle to the

T. B. Laycock Manufacturing Company of

thirty-nine lots on the east side of West

Qualifies as Administrator.

Henry S. Rominger filed a \$5,000 bond yes-

terday with Probate Comissioner Walker

this reason the judge allowed La Rue to

case of La Rue, when Judge Stubbs asked

stealing a woman's pocketbook at the Park

idministered the whipping

go home with his mother.

years ago.

has been judge.

men. A young man claiming to be a cousin

whole day without food.

A Problem Before Judge Stubbs

it is calculated to frighten horses of ordi-

# Sole Agents Butterick Patterns. Our January Sale of Linens



And will attract an army of thrifty householders and hotelkeepers for some time to come. Past experience has taught our patrons the importance of this sale—the high quality of our Linens and the remarkable lowness in price. Advantageous deals made by our foreign as well as our home buyer brings greater quantities for you to pick from, and the fact that they are imported direct by the New York Store through the Indianapolis custom house brings the low prices that will make this another mportant linen event in our history.

BEGINS THIS MORNING AT 8 O'CLOCK

Come to This Sale. It Means Money to You.

Another Big Event Monday: JANUARY SALE OF UNDERMUSLINS

Vettes Dry Goods 60

## BANKERS 8 and 10 East Market Street.

C. N. WILLIAMS & CO

Accounts with banks and individuals solicited.

2 per cent. interest paid on deposits.

State and county bonds for sale.

# \$5,000 IN GOLD We pay the highest cash price for old and broken Solid Gold Jewelry,

WANTED

Rings and Watches of any kind. FLETCHER M. NOE Loan Office,

103 North Illinois Street.

#### Indiana Dental College Department of Dentistry

University of Indianapolis. for all kinds of Dental Work. Receives patients from 8 a. m. to 5 p. m.

### THE THEATERS.

S. W. Cor. Delaware and Ohio Streets

To-Day's Schedule. GRAND-Vaudeville, 2:15 and 8:15 p. m. PARK-"McFadden's Flats," 2 and 8 p. m EMPIRE-Burlesque, 2 and 8 p. m.

The sale of seats for the matinee and evening performances at the Grand to-day ndicate that the lovers of vaudeville are finding much to enjoy in the bill at that amusement house this week. The two beautiful musicians-Katherine Bloodgood, the contralto, and Esther Fee, the violinistwill appear for the last times this season before Indianapolis audiences with to-day's performances. They are both well worth hearing. Another strong feature of the Grand's bill is the specialty of the Heras family of acrobats. This troupe performs a series of astonishing feats. The Grand will have another drawing card next week in the great Lafayette road show, which includes, sides the magician himself, Sallie Stembler, a clever comedienne, the five Nosses Zimmer and Burke, Moller and Teller and Lynn Weicher.

"McFadden's Flats" is, as usual, a great hit at the Park. The show has never been put on quite so well as it is this season Particular attention has been given to the choruses, with the result that it has been a long time since the Park has had such enjoyable renditions of the reigning popular songs. "My Water Loo," "Only a Soldier Boy" and "My Queen from Zululand" are sung in this show as they have never en sung before in Indianapolis. The show closes its profitable engagement with the two performances to-day. "A Little Outis the Park's attraction for the first half of next week.

Harry Morris, who comes to the Empire | Mrs. Howard Schurmann next week in "A Night on Broadway," is known as the man who can put on a burlesque or musical comedy that is "funny without being vulgar." His satire of "Trilby" several years ago was one of the most al things ever seen on the stage. The High Rollers extravaganza company has layed to large audiences this week. Some eatures of the show have been commend-

English's will have two attractions next week-Helen Grantly in "The Girl and the idge" next Wednesday evening and the popular comic opera comedian, Jefferson De Angelis, in "The Emerald Isle" Saturday

prima donna, has been assigned the title role in the George Ade-William Lorraine opera, "Peggy from Paris," and will begin rehearsing the part next Monday in Chicago. She has been singing the leading soprano part in "The Prince of Pilsen." edicted in this column recently, not one of the advance comments on the new opera has a word to say of William Lorraine, everybody referring to it as the "Ade-Sav-' George Ade receives all the eredit for the work itself, and Manager savage all the credit for its production. William Lorraine, the composer, who has spent months on the score, is meantime working with all his might directing the musical rehearsals of the principals and

Two weeks from next Monday night Klaw & Erlanger will present "Mr. Blue Beard," the Drury Lane spectacle, at the Knickerbocker Theater, New York. The engaged includes such known people as Eddie Foy, Dan McAvoy, in yellow, with floral decorations of jon-Herbert Cawthorne, Samuel Reed, Bonnie quils, McGinn, Georgie Caine and Adele Rafter.

Oscar Hammerstein is confident that ceived the manuscript of the play the day before yesterday from Beerbohm Tree in and it is said that when the little manager finished reading it he could hardly contain his enthusiasm. The cast is to be a very large one and will necessarily demand the services of many of the best ac-Ham Favorsham has been engaged to play one of the leading parts.

Saharet, the famous dancer who is soon to be seen at the Grand, left Anna Held's "Little Duchess" company in Memphis the other day rather suddenly. She has been a show, and Mr. Ziegfeld, the husband and manager of Miss Held, has been compelled deny a report which was current that jealousy on the part of the star of the company was responsible for the dancer's determination to go back into vaudeville.

Mrs. Langtry has not been received very enthusiastically in her play, "The Crossways," in New York and she will probably produce another play entitled "Mile. Mars," in which she was successful in London.

Percy Wallace Mackaye, son of the late Steel Mackaye, author of "Paul Kauvar" and other successful dramas, has just completed a play which has been accepted for production by E. H. Sothern. The title of the new play and also its subject are being

fact that she has taxed her strength bedouble bill every night, it was no uncom- programme which was given. Miss Ca-

mon thing for her to end a performance at the theater with a supper and a dance at one of the palaces of wealth, for Miss Barrymore is one of the few actresses who is also a society belle of distinction. Her remarkable beauty, sprightly wit and stinctive refinement have made her a great favorite with what is known as the "smart set" in New York. She has been ordered to take a good, long rest, at Atlantic City by John Drew, who has acted as her guardian and adviser from the time her father, Maurice Barrymore, became insane. Her illness, following that of Maude Adams, is a financial blow to Mr. Frohman. This year he will lose \$200,000 by the indisposition of Miss Adams and unless Miss Barrymore recovers her health he will probably lose \$100,000 more. Not for many seasons, by the way, have there been so many theatri-

Incident of Sousa's Performance. LONDON, Jan. 2.-A large audience which, however, did not fill the Queen's Hall, welcomed the reappearance of Sousa and his band in London to-night. Many Americans, including Consul General Evans, were present. A curious incident was noted at the beginning of the programme. When Sousa, punctual to the minute, stepped upon the platform and waved his baton the band broke out with "God Save the King" and the whole audience stood up, but when, without stopping, the music merged into "The Star-spangled Banner' the majority of those present sat down. The playing throughout the evening went with its usual vim and the band was enthusiastically applauded.

### PERSONAL AND SOCIETY.

Mrs. G. V. Woollen will not observe her day at home for two weeks. Miss Suella Moore will leave Monday for Perre Haute for a short visit. Miss McCutcheon, of Chicago, will arrive to-day to visit Miss Mae Culver. Mrs. R. J. Depew and Miss Hough will soon go to Florida for a stay of several months Dr. Henry Ostroff and son Robert are visiting Mr. and Mrs. Samuel Deutsch, in

The meeting of the Kappa Kappa Gamma Club announced for this afternoon has been Mrs. Charles E. Kregelo has issued invitations for a reception on Monday after-

noon, Jan. 12. Miss Watterson, of Louisville, who has turn home to-day. The Women's Presbyterial Missionary Conference will be held at the Y. W. C. A.

rooms next Friday at 2:30 o'clock. Misses Blanche and Bertha Barney, who nave been visiting Mrs. Frank Davidson, returned yesterday to their home in Detroit Mr. and Mrs. Izor, of Montana, are the guests of their daughter, Mrs. Howard Stanton, and Mr. Stanton at the Welling-

Mrs. Walter S. Whitten and son Jack, of Sioux City, Ia., formerly of St. Paul, Minn., are the guests of Mr. and Mrs. W. H. Potter at the St. Clair.

Miss Louise Lilly entertained with a dinner of eight covers last night in honor of Miss Pruden, of Dayton, O., and Mr. and Mrs. W. E. Maxwell was the hostess fo

small matinee party yesterday, entertaining for her visitors, Mrs. Brown, of Columbus, and Mrs. Quigley, of Chicago. The Spanish Club will meet this afternoon with Mrs. Flora Wulschner, 810 North Meridan street, at 4:30 o'clock. There will

be a paper entitled "La Rosa del Torea-dor," by Mrs. Wulschner. Mr. and Mrs. Will Iden, of La Crosse Wis., will arrive to-day to visit Mr. and Mrs. Rollin Kautz, in Morton Place. Mr. and Mrs. Iden were recently married and are on their wedding journey.

The Queen Esther Circle of the Centralvenue M. E. Church will hold a tea meet-F. Hunt, No. 1408 Park avenue. Miss Clara Barge will give a talk on "Missions. The regular January meeting of L'Alliance Francaise will be held at the Classical School building Friday evening, Jan. 9, instead of the usual time. The subject and

speaker for the evening will be announced Mrs. Lehman H. Dunning gave a luncheon yesterday in honor of her daughter. Miss Florence Dunning, and her visitors, Miss Dunning and Miss Frances Dunning of Iowa, who are here from the Woman's

College at Baltimore for the holidays. A dainty luncheon yesterday was given by Miss Shipp for her sister, Miss Margaret Shipp, and Miss Ruth Pratt, both of whom are home from the East for the holidays. Covers were laid for fourteen, and the places were marked by souvenir postal cards bearing the guests' names.

Mr. and Mrs. Warren Oakes, of th Colonial, gave a dinner last night, entertaining for Mr. and Mrs. John B. Brown, of Columbus, and Mr. and Mrs. C. B. Quigley, The of Chicago, who are the guests of Mr. and well- Mrs. W. E. Maxwell. The table was laid

Dr. and Mrs. Theodore A. Wagner gave a delightful company last night, entertaining about forty young people for their son Fletcher, who is home from Harvard for the vacation. Their home was attractively trimmed with Japanese cherry blossoms and Christmas greens. A feature of the evening was an interesting talk, given by Dr. Calvin I. Fletcher, on England, with stereopticon Illustrations.

Mr. and Mrs. Samuel E. Morss entertained with a holiday dinner last night in honor of guest, Miss Watterson, of Louisville. tors to be obtained. It is thought that Wil- and Albert P. Niblack, lieutenant commander U. S. N. The table was adorned with the holiday colors, with scarlet poinsettia. Those entertained with the guests McCulloch, Mr. and Mrs. Medford B. Wilson, Mr. and Mrs. Harry S. New and their new buildings completed by the opening of guest, Mr. Bagley of Detroit, Miss Niblack | school next September. and Mr. and Mrs. Wiley, of Buffalo. The local Phi Delta Theta men enter-

tained their friends with a dance at the Brenneke Academy last night. The hall was hung with Christmas greens, inter- and the board has merely to make the last spersed with the fraternity colors of blue and white. About forty young people were present, among them being Miss Sallie Hall, of Brazil; Miss Kittinger, of Anderson; Mr. Walter Lybrand, of Chicago; Mr. William Baird, of of Louisville; Mr. Carl Weyle, of Franklin; Mr. Rudolph Tschentscher, of Anderson, and Mr. W. W. Wilson

of Franklin.

A pretty tea for young people was given by Mrs. F. F. McCrea and Miss Bess Mc-Crea yesterday in honor of Miss Dunning and Miss Frances Dunning, of Iowa, and Miss Caldwell, of Chicago, who is visiting Miss Jean Kirlin. The assistants for the afternoon included Miss Florence Dunning. Miss Kirlin, Miss Jane Rawls, Miss Louise Reese, Miss Lucetta Krauss, Miss Maude Cunningham, Miss Fannie Miner, kept secret, but it is understood that the plot has to do with a famous incident in English history.

Miss Florence Kittle, Miss Esther Cole, Miss Maud Pray, Miss Ada Pickett, Miss Ruth Ritter and her visitor, Miss Burner. Ruth Ritter and her visitor, Miss Burner. An enjoyable musicale was given yester-Ethel Barrymore's collapse in Washing- day afternoon by Mrs. Mortimer Levering ton the other night is said to be due to the at her home on North Pennsylvania street. Her visitors, Miss Cavens and Miss Lillian Moore, of Lafayette, were present as honor youd endurance. Besides appearing in a guests and both took part in the informal

vens gave several musical monologues and Moore sang several songs. Mr. William H. Morrison, jr., also sang, and young Morris Hamilton took part. A number of the young people who are home for the holidays, as well as a number of the outof-town visitors, were among Mrs. Lever-

A large reception was given last night by Mr. and Mrs. R. P. Rudy in honor of their 80n, Maj. W. Otto Rudy and Mrs. Rudy, of Portland, Ore. Their home on Park avenue was prettily decorated for the affair, red carnations being used in the parlors, lilies in the music room and chrysanthemums in the dining room. A harpist played during the evening. Mr. and Mrs. Rudy were assisted by a group of friends, which included Mrs. William C. Bowman, Rev. and Mrs. Hiram Kellogg, Mrs. J. Richard Francis, Miss Maude Prier, the Misses Fern, Miss Luella Dickington, Miss Marie Katzenbach, Miss Leona Rudy. A number of enbach, Miss Leona Rudy. A number of guests were present from out of town, a number coming from Shelbyville and Knightstown. Also Mr. Charles B. Veach, of Mount Summit, was among the guests.

The Sigma Delta Rho girls gave a pretty dance last night at the home of Miss Ethe Duncan in Morton Place, entertaining about fifty of their friends. The guests were received by Miss Duncan, gowned in white, and Miss Mary Pinnell, in a pale blue dress, and Messrs. Joseph G. Duncan, jr., and Joseph Burke Knott, of Evansville. The several rooms were adorned with holly, combined with the club colors of green, yellow and black. The club members who ssisted in the hospitalities of the evening included Misses Stella Alig, Joy Brown, Charlotte Dillman, Nettie Owen, Roe Roberts, Edith Feldkamp and Agatha Selig. Among the guests were Miss Jessica Young and Miss Mary Davenport, of Sheridan, with Miss Joy Brown; Miss Edith Taylor, of Muncie, with Miss Ellen Pierson; Miss Mary Neal, of Marion, with Miss Lento Fulwell, and Alfred Kelly, of Muncie.

PURKHEISER-WRIGHT. Special to the Indianapolis Journal. SALEM, Ind., Jan. 2.-Mrs. L. A. Wright, mother of Dr. F. M. Wright, of Indianapolis, and Henry Purkheiser, a farmer southeast of Salem, were married yesterday at the home of F. M. Lockenour in this city. The groom is seventy years old and the bride sixty-three.

### Greenwood.

Miss Ethel Coughlin is visiting friends in A Commission Declares that John E. Miss Hattie Freeman has returned from a visit in Brownstown.

Miss Ruth Stevenson is the guest of Miss Bessie George, of Franklin. Mrs. Myrtle Reed, of Terre Haute, was cal people ill and incapacitated for work the guest of relatives here this week. as now. Among those at present in the Mr. and Mrs. Charles Rinker, of Elwood hands of physicians are Mme. Nordica, Marie Dressler, Lew Fields, Thomas Q. were guests of relatives here this week. Seabrooke, Henrietta Crossman, Ben Teal, Dr. Z. Carnes has gone to Atlanta, Ga., Frank McKee, Clara Morris and Maurice to visit his sons, Will and Henry Carnes. Miss Mary Jewitt and her brother Charles spent the week with friends in Mil-

> Mrs. Elmer Tyner, of Kirkland, is the guest of her parents, Mr. and Mrs. Robert Mr. Charles Ewing, of Fairland, was the

guest of his brother, Mr. Frank Ewing, in this city this week. Mr. James Kelley was the guest of his son, Mr. Walter Kelley, and family, of Deputy, Ind., this week. Mr. and Mrs. Charles McMitchen, of In-

dianapolis, were guests, the first of the week, of friends here. Mrs. Fannie Foster has gone to Whitestown to be with her daughter, Mrs. Charles Burton, who is quite ill. Mr. and Mrs. Omar Peek, of Franklin,

were guests, the first of the week, of Mrs. Peek's parents, Mr. and Mrs. Justice. Mr. O. D. Atkins and two little children were guests, the first of the week, of Mr. and Mrs. Abraham Lyons in Indianapolis. Mr. Will Blake, who has spent the past fifteen months in Texas and Colorado on account of poor health, has returned home. Mr. and Mrs. Sydney Hall and children, of Arcadia, were guests of Mrs. Hall's parents, Mr. and Mrs. John Bishop, this

Misses Harriet and Bertha McQuinn, Miss Mary Handley, of Franklin, and Miss Caroline Snepp, of Dayton, O., were guests of Miss Olive Creavey this week.

been visiting Miss Josephine Morss, will re- JOHN D. ROCKEFELLER WILL MAKE A GIFT OF \$30,000.

> The School Has Raised an Equal Amount and the Funds Will Provide a Students' Building.

The board of trustees of Indiana University held its annual meeting in this city at the English Hotel yesterday afternoon. There were present Isaac Jenkinson, Richmond, president of the board: Benjamin F. Shively, South Bend; Charles L. Henry, Anderson; Edwin Corr, Bloomington; R. I. Hamilton, Huntington; Nat U. Hill, Bloomington. The following officers of the school were also in attendance: William L. Bryan, president; John W. Cravens, registrar and secretary; U. H. Smith, assistant registrar, and W. T. Hicks, financial agent.

The most important matter that came before the board was the report on the progress of the work of raising the \$30,000 from the alumni and friends of the university necessary to secure a gift of a like amount ing this afternoon at the home of Mrs. C. from John D. Rockefeller. Some months o Mr. Rockefeller announced that h would give \$30,000 for a students' building at the State University, provided an equal amount could be raised within a certain time. The time limit expired Jan. 1, 1903, and the report yesterday was that the required \$30,000 and more had been raised, thus assuring the Rockefeller gift. U. H. Smith, assistant registrar, and W

T. Hicks, financial agent of the school, have done the work that will be such a source of satisfaction to the friends and alumni of the university. Their report shows that practically all of the amount they have raised came in \$10 subscriptions from former students and friends, which is even more gratifying than if one, or half a dozen men had given the whole amount, showing as it does the large number of real friends that the school has. Following the presentation of this report the board discussed the new building, or buildings, as it has not yet been determined whether the \$60,000 will be used in one building for both men and women students or divided into two funds and a building for each sex erected. Whichever plan is decided upon the building, or buildings, will be of stone, of handsome architectural appearance, and will contain Y. M. C. A. and Y. W. C. A. rooms, rest rooms and the numerous conveniences that are really needed by the students but which could not be provided by the university. A general committee was appointed to see architects and get plans and specifications that will be considered at the next meeting of the board,

which will be held at the call of the presi-The Rockefeller gift is available dollar for dollar as the money from the alumni fund is paid in. Over \$6,000 has already been collected from this fund and the balance will of honor included Mr. and Mrs. George F. | all be paid in before the 1st of April, so that the committee may be able to have the

> The board also discussed the new science building, which has just been completed at a cost of \$100,000 at the expense of the State. The new building is ready for occupancy settlements with the contractors before it will be turned over to the school It was expected that the board would discuss some of the things that the university is asking from the Legislature this winter. notably an increase in the maintenance fund tax levy and an appropriation for additions to the library building, but it was stated at the close of the meeting that this subject was not broached.

# Keistner Sang Songs.

Gustav Keistner, a German butcher with a hallucination that he is a singer, who has been confined in the police station since Wednesday night, was declared insane vesterday. Keistner has been singing psalms and other church hymns ever since he was arested by the police and placed in

> At a Bargain. "Man wants but little here below"-This fact's won him renownwoman wants a lot of things And wants them all marked down

HENRY MAAR AND HIS WIFE MAR-RIED FOR FORTY YEARS.

The Latter Alleges Cruelty and Demands Alimony and Custody of Children-Other Court Cases.

Marghareta Maar filed an amended complaint for a divorce from Henry Maar in Room 3, Superior Court, yesterday. Maar is a well-known German contractor of the city and is said to be a wealthy man. His wife demands that she be given a divorce, \$10,000 alimony and the custody of the two minor children. She also prays that the court order Maar to pay her sufficient sums to maintain herself until the cause is heard and also give her money to prosecute the

Mr. and Mrs. Maar were married in Germany in 1863 and were separated on Dec. 8 Mrs. Maar alleges in the complaint that on that day her husband cruelly beat her and struck her over the head with a piece of iron. She enumerates other causes for com-plaint in the petition and asks an absolute

The two minor children whom she asks be given into her custody are Bertha Maar, age twenty, and Fred Maar, age eighteen. The other children in the family are Mi-chael Maar, John Maar, Maggie Flickinger, Mary Beerman, Retta Hergt and Emma

The first complaint of Mrs. Maar for a di-vorce was filed about ten days ago, but because of a clerical error it was dismissed and the amended complaint substituted yes-

# Mountain, Jr., Is Insane.

MENTALLY UNBALANCED.

John E. Mountain, jr., the former city fireman who was arrested last Sunday evening for snatching a pocketbook from a woman in front of the Grand Hotel and slated at the police station on the charge of highway robbery, was declared insane yesterday by a commission and committed to the Central Insane Hospital. mission, composed of Justice J. H. Shephard and Drs. W. B. Fletcher and O. H. Pettijohn, found that Mountain has been of feeble mind for a year or more and that he is troubled with constitutional ailments that have aggravated his mental condition. Mountain was at one time a member of the city fire department and has a brother in the department now. His father, John E. Mountain, is also a member of the department. Some time ago he resigned his position, on the advice of his father, who, t is said, feared that he was not of soun mind. His escapades since then have made him well known in the city and raised the question of his sanity.

### Boy Recovers Damages.

Judge Leathers, in Room 2, Superior Court, yesterday granted Ella Jackson next best friend of Ford Bazel, a sixteen year-old colored boy, a judgment for \$550.06 against the P., C., C. & St. L. Railway Company. Young Bazel was forced to get off a moving freight train on Sept. 16 while on his way to the fair grounds, and in jumping from the step of the car, slipped and fell under the trucks. One of his legs was cut off below the knee. In the complaint for damages filed settlement was made by which the judgment was secured. The attorney for the boy said that the conductor had given his

client permission to ride, but that when near Thirtieth street he threw coal at him and in other ways induced him to jump. A suit against the L. E. & W. Railway Company was filed some time ago by the guardian of young Bazel, but this suit was found to be against the wrong road, as the Pan-handle train was the one which ran over

## John M. Sullivan Acquitted.

Acting Judge James Collins yesterday decided the case of John M. Sullivan, charged with assault and battery on his wife, by dismissing Sullivan. The judge said it had been clearly shown that Mrs. | to give evidence. He related how he had Sullivan had been addicted to intoxicants and was almost helpless when the alleged assault occurred. It was said that Sullivan did not abuse his wife as charged. but that Mrs. Sullivan received her in juries by falling against a door when she was drunk. Other charges against Mrs. Sullivan's character were brought out by

In the Federal Court. Representative E. D. Crumpacker, of Valparaiso, and brother, Peter Crumpacker, of Hammond, were before Judge A. B. Anderson, of the Federal Court, yesterday in behalf of some of the defendants in the action brought by the Chicago Board of Trade to permanently enjoin the bucketshop men of Indiana from using its quotations. A temporary injunction was granted by Edward Daniels, master in chancery, but the final hearing of the case will not be held for some time.

Number of Divorces Granted. One hundred and two divorces were granted in Room 1 of the Superior court by Judge John L. McMaster during the year 1902, instead of 158 as erroneously pub-

#### THE COURT RECORD. SUPERIOR COURT. Room 1-John L. McMaster, Judge.

Charles W. Sheets vs. New Long Distance Telephone Company; damages. Dismissed and costs paid. Henry C. Prange et al. vs. Robert E Moore et al.; mechanic's lien. Dismissed and costs paid.

Room 2-James M. Leathers, Judge. Fred Bazel vs. The P., C., C. & St. L. Railroad Company. Submitted to court. Evidence heard. Finding and judgment against defendant for \$550.06 and costs.

CIRCUIT COURT. Henry Clay Allen, Judge. Consolidated Coal and Lime Company vs. W. Callen and E. W. Tompkins; on contract. Defendants defaulted. Submitted to Finding for plaintiff. Judgment against defendants for \$1,058.57 and costs. Willard W. Hubbard vs. John Miller and

tent on committing perjury. For that rea-Catherine Miller; suit to quiet title. On son a fine of \$5 and costs was assessed trial by court. It was remitted when the boy's father NEW SUITS. romised to whip him Albert B. Helfrick vs. Mary T. Helfrick; The other boy was Nathaniel Miller, colored, charged with stealing a French harp divorce. Circuit Court. Ford Bagel, by his next friend, Ella Jackfrom one of the department stores during the holidays. He was found guilty, and son, vs. P., C., C. & St. L. Railway Com-Judge Stubbs asked his mother to flog him. pany: damages. Superior Court, Room 2. Margaretha Maar vs. Henry Maar; di-She refused, saying she was troubled with vorce. Superior Court, Room 3. heart disease. The boy was then taken to

#### HIGHER COURTS' RECORD. SUPREME COURT.

19945. Edward Given vs. State of Indiana. Grant C. C. Appellee's petition for thirty days additional time granted. Joseph Seifert vs. State of In Wayne C. C. Appellee's brief (8.) The Board of Commissioners of Clinton county vs. Robert Davies. Tippecanoe C. C. Appellant's brief (8.) Appellant's petition for oral argument. APPELLATE COURT.

-Minutes.-

Moses D. Payne vs. Charles E Moore et al. Putnam C. C. Appellant's petition and notice for certiorari. 4620. John M. Webb vs. Louise Sweeney Perry C. C. Appellant's petition and notice for certiorari. 4567. Enos A. Scott et al. vs. William . Hayes et al. Howard C. C. Appellees' 4545. The American Mutual Life Insurance Company vs. Mary Bertram. Elk-

hart C. C. Appellee's peition for addi-tional time. Granted thirty days. street, north of Thirteenth. The money consideration was \$20,000. The ground ac-American Plate Glass Company vs L. C. Nicoson et al. Madison C. C. Apquired by the company will be utilized with pellees' brief (8.) other property, secured on Fayette street 4462. The Indiana Manufacturing Comfor the erection of new buildings and store vs. Carl H. Wells, administrator. rooms for the factory which is now sit-Miami C. C. Appellee's petition for leave to file brief. Petition granted. Appellee's uated at Tenth and Missouri streets. Charles A. Wilson yesterday sold to the Indianapolis Savings and Investment Com-4564. Hugh V. Underwood et al. pany 16% acres of land southwest of the James M. Dickard. Monroe C. C. pellee's brief (8.) Appellee's brief (8) in

# RECENT LEGAL OPINIONS.

-Disturbance Outside Courtroom-Power of Judge A. A. Coleman, judge of the Tenth judicial circuit of Alabama, issued an order Dec. 26, 1902

# directing the sheriff of the county to pro-hibit the "passage of horses or stock of any kind or vehicles of any kind" through a

street cars, not running at a rate to ex-IN CONTINUOUS SESSION FROM MORN-ING UNTIL EVENING. by the mayor and aldermen against the judge to prevent the execution of this order

t was held that, both under the statute conferring upon every court the power to pre-serve and enforce order, and the general Prolonged Discussion of Changes principles of the common law, a court has the Constitution-Four New Dispower, in order to prevent a disturbance in the courtroom, to stop traffic on the tricts Added-Other Business. street so far as necessary. [33 Southern Rep. (Alabama, Judge Haralson), 13.]

The last day of the Sigma Nu convention The question whether unearned wages or salary can be legally assigned seems to be at the Denison was a strenuous one, conan open question in Illinois, as it is in many sisting of one continuous business session The Appellate Court of that State, that lasted from 10 o'clock in the forenoon First district, states that it has sought in until 7:30 o'clock last evening. When it was vain for legal grounds on which the unearned wages or salary of a workman or over at last the delegates were too tired to employe may be protected against his own think of anything except going home, and assignment, fairly and voluntarily made for a proper consideration. The law, when the smoker and social session which were properly invoked, is ample to protect one in scheduled for last night to wind up the his rights, but if the person has sufficient convention were called off. mental capacity to attend to ordinary busi-

The question of some changes in the conness and acts rationally in the ordinary affairs of life, the law is impotent to protect stitution and laws of the fraternity was him against the consequence of his own folly. [35 Chicago Legal News, 144.] the one that prolonged the session. A lively discussion was precipitated over some of -A Judge's Notion of Care .the proposed changes and it required sev-In Edwards vs. Southern Railway Comoany, a recent South Carolina case, Judge eral hours of wearying work to settle the ope said: "If I was going to shoe a kickmatter. The constitution and laws are held ing mule, I would be more careful when I as fraternity secrets, consequently the nagot to his hind feet than I was with his fore feet. I would be careful with his fore ture of the changes proposed and adopted feet, but when I got to his hind feet I would be more careful." "For ways that are or defeated was not given out. The fraternity was redistricted into dark and tricks that are vain" the mule

is as peculiar as the heathen Chinese, and eleven districts instead of seyen, and the we are afraid that the judge is not suffi-ciently conversant with the ways of that beast to take up the business of a farrier new districts are as follows: First-Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Del-aware and Maryland. with other than calamitous results. [Law

Second-Kentucky, Tennessee, Virginia and North Carolina Where an application for a policy of life insurance was made a part of the contract, Third-South Carolina, Georgia, Alabama and Florida. Fourth-West Virginia, Ohio and Indiana. Fifth-Wisconsin, Illinois and Michigan. Sixth-Minnesota, Iowa, Nebraska, South and provided that false answers would vitiate the contract, and the answers in regard to the health of the insured were materially false, but the agent writing the insurance, Dakota and North Dakota.

who was required to assure himself as to in-sured's health, knew the facts, and knew the true condition of his health, and con-Eighth-Arkansas, Mississippi, Louisiana tinued to collect the premiums, the knowland Texas. edge of the agent was notice to the com-Ninth - Colorado, Wyoming, Nevada, pany, and it was liable on the policy. [70 Southwestern Rep. (Texas, Judge Book-Utah, Arizona and New Mexico. Tenth-Washington, Oregon, Idaho and Eleventh-California. -Railroads-Frightening Horses-Negli-

Seventh-Kansas, Missouri, Territory and Indian Territory.

District inspectors were chosen as fol-First, W. F. McCarthy, New York; secthird, W. L. Kemp, Atlanta, Ga.; fourth, Harry B. Marsh, Indianapolis: fifth. Miller Belfield, Chicago; sixth, C. Fuqua, New Orleans; seventh, E. F. Consigny, Iowa; eighth, J. B. Pew, Kansas City; ninth, Lodford Truman, Colorado; tenth, H. C. Coffman, Seattle, Wash.; eleventh, E. C. Hammer, San Francisco. Final action on the adoption of a new ritual was deferred until the next Grand Chapter in 1905. The new ritual was pro-visionally adopted two years ago, but it is not yet entirely satisfactory and some changes will be made in it before it is One of the most important actions taken

during the day was the adoption of a change in the laws so that alumni chapters will be more closely organized assessed a small tax by the fraternity. Sigma Nu has at present some fifteen alumni chapters, but the work of extending the organization along this line will be aggressively pushed in the future. The Grand Chapter officers announced last night that the convention has been twice the fraternity. This large attendance was due in no small measure to the effective work of the Indianapolis committee on arrangements and before adjournment rousing resolution of thanks was voted the members of the committee. A few of the officers will remain in the city until to-day, closing up their work, but the maority of the delegates started to their homes last night. Nearly every State in the Union was represented at the con-

James M. Noel, of this city, entertained a number of the visiting Sigma Nus at luncheon at the Columbia Club yester-

# CITY NEWS NOTES.

W. B. Allen has become identified with the Gregory & Appel agency. He will engage in the real estate and insurance busi-

peak on Sunday evening, Jan. 4, 1903, on The Faith and Life of the New Jerusalem Church" at the chapel, 623 North Alabama Michael Raftery, who has traversed the streets of Indianapolis for twenty-eight years as a patrolman, began his duties

The pastor, Rev. Willis L. Gladish, will

yesterday morning as assistant bailiff. Raftery will assist Bailiff Charles Dawson in the Police and Juvenile Courts. George Meyer, who lived at 1229 West Market street, died Thursday night at pesthouse from smallpox. Myers's death is the sixteenth from smallpox this winter. He had been ill for ten days. Dr.

Schenck, of the City Dispensary, treated Myers for a few days and then sent him to the pesthouse for treatment. The monthly meeting of the Marion county Agricultural and Horticultural Society will be held at 1:30 o'clock this afternoon in Room 12 at the Statehouse. The features of the programme will be a paper

by Addison C. Harris on "Farming in Austria," and a talk on the Yellowstone National Park by Frank P. Johnson. Superintendent Taffe has made arrangements with the new Traction and Terminal Company to carry members of the police department free, either on or off duty. Heretofore policemen were carried free by were in full uniform. The superintendent, captains and sergeants have always used

An effort is being made to secure a pardon for Richard C. Davis, the Washington, Ind., bank cashler who was sentenced to orison for five years for embezzlement. Davis has served less than one year and District Attorney Kealing, who has been asked to sign the petition, refused, as he does not think it time to ask for a pardon. Former Judge John H. Baker, who sentenced Davis, will not sign the petition, it

is said, unless the district attorney signs it. The Roberts Park Choral Society will to-morrow night repeat the cantata given on last Sunday. They have received much favorable criticism of their effort, and many of the congregation have expressed a desire to hear it a second time. Mr. Huff, the baritone who will assist, sings his part very creditably, while the chorus and quartet have added to their already good reputation. The programme will consist of the chorus, quartet, solos and the trio which form a cantata, "The Holy Infant," by Frederick Field Bullard

# Burglars Pay Visits.

Thieves entered the home of Mr. and Mrs. Fred Kleinschmidt, 1433 North Alabama street, some time before daylight yesterday morning, but were scared away by Mr. Kleinschmidt, who fired a revolver. Entrance was gained through a rear window which was pried open.

The home of C. E. Wilson, at 1409 North Alabama street was also entered, but nothing of value was found missing. burglar was heard by the servant, who ran to tell Mr. Wilson. The burglar ran down stairs and through a rear door which he Presumably the same burglars entered the nome of Howard Marmon, 1411 North Ala-

#### bama street, but nothing was taken. Will Prosecute Incendiaries.

H. P. Wall, of Chicago, who has the Lake-street Elevated Railroad advertising privileges, has purchased from C. H. Stuckmeyer the controlling interest in the Indianapolis Clean Street Company. This is the company, incorporated in New Jersey for \$100,000, which has a franchise to establish waste paper boxes on street corners. Mr. Wall will take personal charge of the business here as president and has offered a reward of \$10 for the conviction of any one who sets fire to the paper in any of the

## Walter Dooley Badly Hurt. Walter Dooley, a switchman employed by

the Vandalia Railroad, was injured yesterday at noon at the corner of Kentucky avenue and Missouri street. Dooley was in the act of coupling cars when he slipped. His left leg got fast in the brake rod and in trying to extricate it Dooley suffered a compound fracture. He was taken to St. Vincent's Hospital.

It strengthens the heart-Jayne's Tonic

Delicious Drinks and Dainty Dishes

# BAKER'S BREAKFAST



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# FOR BIG FLOWER MARKET

THE BOARD OF PUBLIC WORKS IS NOW CONSIDERING PLANS.

space Between Tomlinson Hall and Meat Market May Be Utilised-Other City Affairs.

Indianapolis is to have a flower market of pretensions if the plans of the Board of Public Works are carried out. These plans, and the members of the chapters will be the architectural feature of which are being designed by Preston C. Rubush, were the subject of a conference between Mayor Bookwalter, Mr. Rubush and the board yesterday. Mr. Rubush was directed to complete his work and the board will as large as any that has ever been held by | doubtless ask the Council for an additional appropriation sufficient to make the improvement all that it should be.

The plans call for the inclosure of the fifty-foot street between Tomlinson Hail and the meat market with a structure of stone, steel and brick and converting this street into a mammoth flower market. The flower stands are now scattered. It is believed that the creation of the special flow-

The plans also provide for the construc-tion of a building of stone, steel and brick over the entire area east of the meat market. The plan of this admits of the tion of 240 stalls in the space that is now open. It is also the purpose to discoura; the use of the streets for vendors and the ordinance requiring them to detach horses from their vehicles is believed to be the leverage that will move them all into the An important feature of the improve-

ments planned is the sanitary reconstruction of the entire market. floors are to be put in and abundant drain-age provided into the sewers so that flushing the drains, even during the busy hours, would carry away a large amount of the debris that so rapidly accumulates. The sanitary conditions will also be altered so that the fish market will occupy new quarters and be segregated. As it now is, "calico and fish" may be found together. Catch basins for the refuse from the fish an meat markets will be put in and the utpor

cleanliness observed. The improvements will cost approximately \$25,000. There is now about \$12,000 appropriated for the improvement of the east end of the market. The new buildi will be one story high and there is no purpose to provide quarters for the city offices other than the market master and perhaps the sealer of weights and meas-

Complain of Polk Creamery. Residents in the neighborhood of Six-

teenth and College avenue were represented by a committee headed by E. E. Perry yesterday in a protest to Building Inspector Bartel against the smoke emitted from the chimney of the Polk creamery. The neighbors say the dense smoke has become intolerable. The committee also called on C. F. Coffin, president of the Indianapolis Pure Milk Company, which has acquired the business and urged that the nuisance abated. Mr. Coffin said the company wo take immediate steps to reduce the sme The residents have discussed injunction proceedings and prosecution under the smoke ordinance.

# Streets Will Be Cleaned.

The Board of Public Works has ordered the Marion county Construction Company to keep a force busy cleaning the streets. The company said it had not been able to get men to work in the rain but the board said the streets must be cleaned rain or

Place for Joseph Hogue.

Joseph Hogue, for many years an inspec

tor for the Indianapolis Gas Company, has

been appointed chief inspector in the engineer's office in place of Al. Ferguson, who resigned to acept another position. BOARD OF WORKS ROUTINE.

FINAL ASSESSMENT ROLL AP-PROVED. Cement walks in Layman avenue (east side), from Lowell avenue to Chambers street; Marion Caldwell. PETITION FILED AND REFERRED TO THE ENGINEER.

For vitrified brick roadway in Highland avenue from Michigan street (west) to Michigan street (east.) FINAL REMONSTRANCE FILED AND REFERRED TO THE ENGINEER. Against the improvement of East Michigan street from Pogue's run bridge to the first alley east of Hamilton avenue with wooden block roadway as authorized by Improvement Resolution No. 329, 190 Against the improvement of Highland avenue from Michigan street (west) to

Michigan street (east) with creoso block roadway as authorized by Improvement Resolution 328, 1902. PAPERS ORDERED. For grading and graveling the roadway

#### of North street from Oriental street to Highland avenue.

New Business Concerns. The Premier Motor Manufacturing Company, of Indianapolis, with a capital stock of \$50,000, filed articles of incorporation yesterday. The directors of the new company are J. E. Smith, Charles Bierhaus, C. M. Zener, H. O. Smith and George A. Weidly. The Standard Brick Manufacturing Company, of Evansville, capitalized at \$40,000, incorporated. The directors are Will Subrheinrich, John Suhrheinrich, H. C. Kleymeyer and Herman Bredenkamp The Central Trust and Savings Compa of New Castle, incorporated. The capit

stock of the company is \$50,000, and the directors are J. W. Witworth, R. H. Cooper and R. H. McIntyre. The Tuscarora Fertilizer Company, corporation of New Jersey, incorporal The capital stock is \$25,000, of which \$2,500 is represented in Indiana.